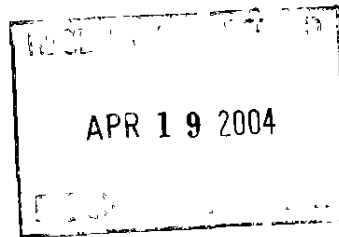




International
Health, Racquet &
Sportsclub Association



April 14, 2004

Secretary Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW.
Room TW-A325, Washington, DC 20554

RE: Comments

Docket Id: 04-53; 02-278; 04-52

CFR Citation: 47 CFR 64

Dear Ms. Dortch:

I am the executive director of the leading international trade association in the health club industry, representing 6,500 businesses worldwide, over 4,000 of which are in the United States. We are a non-profit organization.

In this age of rapidly expanding advances in technology, one of our most effective means of communicating with our members is via e-mail. In fact, e-mail is the preferred means of communication for the majority of our members.

We believe that the definition of commercial email in the CAN-SPAM legislation is sufficiently narrow so as not to include email communications between non-profit organizations (such as our trade association) and their members.

Furthermore, the definition of commercial email under the law should not include communication between a non-profit organization and prospective members, provided the content of the email is consistent with the tax-exempt purpose of the association.

Thank you for your time and consideration.

Sincerely,
John McCarthy

Executive Director, IHRSA

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